

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

FELDER, CAROLINE

Plaintiff,

v.

JOSEPH HOFBAUER &  
AIRBNB, INC.,

Defendants.

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CIVIL ACTION NO. \_\_\_\_\_

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**DEFENDANT AIRBNB, INC.'S NOTICE OF REMOVAL**

Defendant Airbnb, Inc. (“Airbnb”) files this Notice of Removal pursuant to 28 U.S.C. §§ 1332(a), 1441 and 1446, and would respectfully show the Court as follows:

**A. INTRODUCTION**

1. On October 22, 2018, Caroline Felder (“Plaintiff”) filed Plaintiff’s Original Petition and initiated an action identifying Airbnb and Joseph Hofbauer as Defendants in the 189<sup>th</sup> Judicial District Court of Harris County, Texas, Cause No. 2018-76556 (the “State Court Action”). In Plaintiff’s Original Petition, Plaintiff alleges that she was injured while staying at an Airbnb located at 4709 Sharman St., Houston, Texas 77009.<sup>1</sup> Plaintiff alleges that Airbnb and Joseph Hofbauer were possessors and in charge of maintaining the rental property.<sup>2</sup>

2. Plaintiff specifically alleges that she seeks monetary relief over \$100,000.00 but not more than \$200,000.00.<sup>3</sup>

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<sup>1</sup> See Plaintiff Caroline Felder’s Original Complaint at ¶4.

<sup>2</sup> *Id.* at ¶7.

<sup>3</sup> *Id.* at ¶3.

3. Plaintiff Caroline Felder's Original Complaint and Citation were served upon Airbnb on November 13, 2018, via its Registered Agent.<sup>4</sup> Airbnb thus timely files this Notice of Removal within the 30-day time period prescribed by 28 U.S.C. § 1446(b). Airbnb has not yet filed an answer or any other pleadings or pre-answer motions.

#### **B. BASIS FOR REMOVAL**

4. Removal is proper because there is complete diversity among the parties. 28 U.S.C. § 1332(a). Plaintiff alleges that she is an individual who resides in Louisiana.<sup>5</sup> Airbnb is, and was at the time the State Court Action was filed, a citizen of Delaware, where it was incorporated,<sup>6</sup> and California, where it has its principal place of business. Joseph Hofbauer is an individual residing in Harris County, Texas.<sup>7</sup> Mr. Hofbauer has not been served, thus his consent to removal is not required.

5. Moreover, as noted above, Plaintiff seeks monetary relief over \$100,000.00 in the State Court Action. Therefore, the amount in controversy exceeds \$75,000.00, excluding interest and costs. 28 U.S.C. § 1332(a).

6. Venue is proper in this district under 28 U.S.C. §1441(a) because the state court where the suit has been pending is located in this district.

7. Pursuant to 28 U.S.C. §1441(d), Airbnb will promptly file a copy of this notice of removal with the clerk of the state court where the suit has been pending, and written notice of the filing will be given to Plaintiff, the adverse party.

8. A jury demand was not made in the State Court Action.

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<sup>4</sup> The executed process has not been filed in the State Court Action.

<sup>5</sup> See Plaintiff Caroline Felder's Original Complaint at ¶4.

<sup>6</sup> *Id.* at ¶6.

<sup>7</sup> *Id.* at ¶5.

9. As required by 28 U.S.C. § 1446(a) and LR 81, attached to this notice are: all executed process in the case; pleadings asserting causes of action, *e.g.*, petitions, counterclaims, cross actions, third-party actions, interventions and all answers to such pleadings; all orders signed by the state judge; the docket sheet; an index of matters being filed; and a list of all counsel of record, including addresses, telephone numbers, and parties represented.

**C. CONCLUSION**

WHEREFORE, PREMISES CONSIDERED, Defendant Airbnb, Inc. asks the Court to remove the suit to the Southern District of Texas and for such other and further relief to which it may be entitled in law or in equity.

Respectfully submitted,

**WALKER WILCOX MATOUSEK, LLP**

By: /s/ Robbie A. Moehlmann

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**ATTORNEYS FOR AIRBNB, INC.**

**CERTIFICATE OF SERVICE**

I hereby certify that I have caused a true and correct copy of the foregoing instrument to be served upon the following counsel of record herein via the Court's CM/ECF system and e-mail on this 7<sup>th</sup> day of November, 2018.

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/s/ Robbie A. Moehlmann

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